THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5835 of 2006

Between:

Kamisetty Vijayalakshmi and others … Petitioners

And

The Commissioner, Municipal Corporation,

Kadapa and another

…Respondents

ORDER:

Petitioners question the action of the respondents in demolishing petitioner Nos.1 to 4 property bearing Nos.19/99, 19/100, 19/101, SF Street, Madras Road, Kadapa and D.Nos.6/8, 6/9, 6/9/1 to 3 G.Ramarao Street, Kadapa of petitioner No.5 for the purpose of road widening as illegal and arbitrary.

The case of the petitioners is that pursuant to a preliminary decree in partition half of

the property bearing No.19/99 and 19/100 and 19/101 situated at Madras road, Kadapa came to petitioners 1 to 3 and the remaining half of the property went to the share of petitioner No.4 and petitioner No.5 is the absolute owner of property bearing No.6/8 and 6/9, 6/9-1 to 6/9-3 situated at G.Rama Rao Street, Kadapa. While so, the respondents are contemplating to demolish the petitioners' property for the purpose of road widening without issuing any notice and without recourse to any law or statute.

Heard the learned counsel for the petitioners and the learned Standing Counsel on behalf of the respondents.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish the property of the petitioners, in question, without following the procedure prescribed under the Land Acquisition Act, in the absence of any agreement by the parties consenting to give their land for road widening.

The writ petition is accordingly disposed of. No costs.

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V.ESWARAIAH, J.

24.3.2006

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